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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,210	03/12/2004	Patrick Vanhille	04-219	7433

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EXAMINER

AMIRI, NAHID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,210	Applicant(s) VANHILLE ET AL.	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>exhibit</u> . |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 23 March 2006, amendments to the claims have been entered. Claims 1-9 are pending.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 14 March 2003. It is noted, however, that applicant has not filed a certified copy of the Foreign application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second sleeve" claim 4, line 3, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Objections

Claims 1 and 4 objected to because of the following informalities: claim 1, line 3, before "link" should add --said--. Same applies to claim 4, line 3. Claim 4, line 11, "means" should be deleted since this is not legal phraseology which could be used. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1-3, the preamble of the claims is drawn to a method of assembling a link to a support. However, no method step is set forth by any of these claims. If a method is to be claimed, then proper method steps must be set forth. If no method is actually being claimed, then these claims are substantial duplicates of the product claims.

Claim 5, line 4, refers to “each of two fixing shanks”. However, it is not clear whether these two fixing shanks, are in addition to the “at least one fixing shank” set forth by claim 4 or define the “at least one” as being two. Appropriate clarification of the claim is necessary.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,188,146 Stecklein.

With respect to claims 4 and 9, Stecklein discloses an assembly (Fig. 2) comprising a link (20) and a support (constituted by the support 12 and 14); the link (20) comprising a body that is elongated along a longitudinal axis between first and second sleeves (E, E', see highlighted attachment) that are part of the body, the first sleeve (E) surrounds an inner strength member

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(34) which capable of moving relative to the body of the link (20) about an axis of rotation, a flexible coupling (constituted by a spring 38) interposed between said strength member (34) and the first sleeve (E), a passageway passing through the inner strength member (34) substantially along the axis of rotation; and the support (12) having at least one fixing tab (T, see attachment) provided with a fixing orifice, wherein the link (20) and the support (12) are positioned so that the passageway passing through the inner strength member (34) faces the fixing orifice; wherein the link (20) and the support (12) are assembled together by at least one fixing shank (constituted by a shank of the bolt 50) extending along the axis of rotation in the fixing orifice, and wherein at least a portion of the passageway so as to hold the connection on the support (12, 14) is capable of preventing the inner strength member (34) from rotating relative to the support (12).

With respect to claim 7, Stecklein discloses (Fig. 2) that the fixing shank is provided with a head being stopped by a fixing tab (T) on that side of the fixing tab which is opposite from its side that co-operates with the inner strength member (34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stecklein as applied to claims 4, 7, and 9 above, and further in view of US Patent No. 4,652,167 Garman.

With respect to claim 5, Stecklein discloses (Fig. 2) that the support (12, 14) has two fixing tabs (T), each of which is provided with a respective fixing orifice, the passageway passing through the inner strength member (34) extending between the two fixing orifices, a fixing shank being engaged both in at least a portion of the passageway and also in a respective

one of the fixing orifices. Stecklein does not disclose that the assembly having two fixing shanks instead of one. Garman teaches a pivot joint (Fig. 1) having two fixing shanks (constituted by the shanks of the screws 82) being engaged both in at least a portion of the passageway and also in a respective one of the fixing orifices. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the assembly of Stecklein with two fixing shanks as taught by Garman in order to prevent pin rotation or axial movement of the pin relative to the point joint.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. Stecklein as applied to claims 4, 7, and 9 above, and further in view of US Patent No. 4,335,873 Kiefer.

With respect to claim 8, Stecklein discloses the claimed invention except that the fixing shank is made of steel. Kiefer teaches (Fig. 1, column 3, lines 55-57) that the bolt comprises a steel shank. It would have been obvious to one of ordinary skill in the art at the time of invention was made to form the fixing shank of the Stecklein from steel as taught by Kiefer in order to prevent corrosion built up within the connection of the two members.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 6, the prior art of record neither teaches nor suggests that the fixing shank has an outside surface over which fluting is distributed that extends longitudinally parallel to the axis of rotation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,340,263 Fleischer; US Patent No. 6,071,032 Link; US patent No. 5,807,007 Stemper; US Patent No. 6,607,203 B2 Bodin; are cited to teach a connection assembly between two or more elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Nahid Amiri
Examiner
Art Unit 3679
June 9, 2006



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